THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 18196 of 2006

Oral order:

The petitioner, namely Help the Need, is a registered society. It is represented by its President. He states that petitioner was established with main object of helping the poor, down trodden and old age persons. The petitioner is running a Day Care Centre at Seetharamapuram in Nellore District and providing mid-day meals to about 50 old aged persons since 1994-95 with the grant-in-aid provided by the Government. However, the petitioner states that the Government stopped sanctioning grant-in-aid to them from the month of September, 2003, and that due to some misappropriation committed by a non-member, they are finding it difficult to continue the programme, that from March, 2004 to March, 2006, an amount of Rs.5,43,750/- has to be received from the Government. The petitioner states that though he made several representations requesting the respondents to release the grant-in-aid so as to continue with the noble programme, no action thereon had been taken till date. Hence, the petitioner prays for appropriate directions to the respondents to release the grant-in-aid.

Respondent No.1-Government of India filed counter. The learned Assistant Solicitor General reiterating the counter averments submitted that the petitioner was sanctioned grant-in-aid upto the financial year 2003-04 for running the Day Care Centre under scheme called "An Integrated Programme for Older Persons". He submitted that the grant-in-aid was not sanctioned for the subsequent years as the petitioner has not submitted the Utilization Certificate in respect of

the grant-in-aid sanctioned for the financial year 2003-04, which is a pre-requisite for sanction of grant-in-aid for the subsequent years. He further submitted that after the financial year 2003-04, the Central Government has not received any proposal from the petitioner for sanction of grant-in-aid for subsequent years, and that even the Government of Andhra Pradesh have also not forwarded their inspection report/recommendations for release of grant-in-aid to the petitioner after 2003-04.

On behalf of respondent Nos. 2 and 3, respondent No.3 filed counter. The learned government Pleader for Women Development and Child Welfare, appearing on their behalf, reiterating the counter averments submitted that respondent No.3 has submitted the inspection report in respect of the petitioner to the Director, Women Development and Child Welfare Department, Andhra Pradesh, vide proceedings in Rc. No. 151/B/2006, dated 05.05.2006 along with copy of the report in C.C. No. 239 of 2005 on the file of the Judicial I Class Magistrate, Atmakur, registered against non-member one P. Elisamma W/o. Late P. John Ex-President of the society, who misappropriated the funds of the society. As required by the Ministry of Social Justice and Empowerment, Government of India, vide their letter dated 24.10.2005, they have submitted the necessary particulars in respect of the petitioner vide

Fax No. 011-23384918 on 24.02.2006. He further submitted that respondent No.3 conducted surprise visit on 11.12.2005 and found that about 45 beneficiaries, who are poor and belong to scheduled caste community, were taking lunch in the Day Care Centre. He submitted that due to misappropriation of funds by non-members of the society, the grant-in-aid was stopped from September, 2003, and an amount of Rs.5,43,750/- towards grant-in-aid from March, 2004 to

March, 2006 is due. It is submitted that the present body, which is managing the petitioner is unable to produce Utilization Certificate in respect of an amount of Rs.97,575/-, said to have been encashed by a non-member, i.e. for the period from 10/2003 to 2/2004. He submitted that except for the year from 2004-05, the State Government has recommended for release of grant-in-aid to the petitioner for the period 2005-06. He thus submitted that appropriate orders be passed.

Heard the learned counsel for the petitioner, the learned Assistant Solicitor General for respondent No.1-Central Government and the learned Government Pleader for Women Development and Child Welfare for respondent Nos. 2 and 3-State Government.

On the recommendations made by the State Government, the Central Government has been releasing the grant-in-aid to the petitioner for running the Day Care Centre. Admittedly, the Central Government stopped releasing the grant-in-aid from September, 2003, however, the petitioner has been running the Day Care Centre. It is the case of respondent No.1 that they have not released the grant-in-aid because the petitioner has not submitted Utilization Certificate and further the State Government has also not made any recommendations for release of grant-in-aid to the petitioner. The petitioner states that they could not submit the Utilization Certificate because a non-member has misappropriated certain funds, and in that regard, they have already registered a criminal case, and the same is pending on the file of Judicial I Class Magistrate, Atmakur. However, the State Government submits that except for the financial year 2004-05, they have submitted particulars/recommendations with respect to the petitioner for grant of grant-in-aid for the financial year 2005-06 vide Fax No.011-23384919 on 24.02.2006. The petitioner states that now a new elected body is running and managing the society. Considering

this fact, and the fact that already a criminal case has been registered against the non-member for misappropriation of funds, and that already the State Government has submitted particulars/recommendations for release of grant-in-aid to the petitioner for the financial year 2005-06, I am of the considered opinion that the only direction that can be given in the writ petition is to direct the respondents to re-consider the whole issue in the light of the stand taken by respondent Nos. 2 and 3 in their counter, and pass appropriate orders. Hence, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is at liberty to make a representation to respondent No.1-Central Government along with necessary material, including the counter copy of respondent Nos. 2 and 3 filed in the present writ petition, and on such representation being made, respondent No.1-Central Government, shall re-consider the case of the petitioner for release of grant-in-aid for subsequent years, as recommended by respondent Nos. 2 and 3 vide their recommendations dated 05.05.2005 and further particulars submitted vide Fax No. 011-23384918 on 24.02.2006, and pass appropriate order expeditiously.

Accordingly, the writ petition is disposed of. No costs.

_____

N.V. RAMANA, J.

Date: 7th December, 2007.
KSR